

Remarks

Claims 1-3 and 5-20 are pending in the application. Claims 1-3, 5, 9-13 and 17-20 are rejected, while claims 6-8 and 14-16 are objected to. By this paper, claims 1, 3, 7-9, 13, 15-17 and 20 are amended, and claims 2, 5, 6, 10-12, 14 and 19 are canceled. Based on the following, consideration of the amended claims, and reconsideration of the remaining claim, are requested.

Claim Rejections—35 U.S.C. § 102

The Examiner rejected claims 1-3, 5 and 9-13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,750,630 (Inoue et al.). By this paper, claims 1 and 9 are amended to more particularly point out and distinctly claim the subject matter of the invention. In particular, amended claim 1 contains limitations of claim 6 and intervening claim 5. In addition, amended claim 1 also includes limitations from claim 2. Accordingly, claims 2, 5 and 6 are canceled. As discussed below, claim 6 was objected to, and therefore, amended claim 1 is believed to be allowable. Claim 3 has been amended to depend directly from claim 1, and is also believed to be allowable. By this paper, claims 7 and 8 are amended to depend directly from claim 1, the changes in dependency being precipitated by the cancellation of claim 6.

Amended claim 9 contains limitations from claim 14 and intervening claims 10-12. Accordingly, claims 10-12 and 14 are canceled. As discussed below, claim 14 was objected to, and therefore, amended claim 9 is believed to be allowable. Claim 13 is amended to depend directly from claim 9, and is also believed to be allowable. By this paper, claims 15 and 16 are amended to depend directly from claim 9, the changes in dependency being precipitated by the cancellation of the claim 14.

Claim Rejections—35 U.S.C. § 103

The Examiner rejected claims 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Inoue et al. and further in view of U.S. Patent No. 5,490,572 (Tajiri et al.). By this paper, claim 17 is amended to more particularly point out and distinctly claim the subject

matter of the invention. In particular, claim 17 includes limitations from claim 19, which accordingly has been canceled. Claim 17 recites a battery cooling system that includes an air intake, an air outlet, and a duct system including first and second baffles. The first baffle is "movable between a first position for facilitating communication between the air intake and the battery... and a second position for inhibiting communication between the air intake and the battery...." The second baffle is "movable between a first position for facilitating air flow from the duct system through the air outlet, and a second position for inhibiting air flow from the duct system through the air outlet...." No such limitations are taught or suggested by the cited references. Accordingly, amended claim 17 is believed to be allowable. Claim 18 depends directly from claim 17, and claim 20 has been amended to depend directly from claim 17. Claim 20 has also been amended to further identify the baffle as the "first baffle". Accordingly, claims 18 and 20 are also believed to be allowable.

Allowable Subject Matter

The Examiner objected to claims 6-8 and 14-16 as being dependent upon a rejected base claim, but indicated that each would be allowable if rewritten in independent form to include all of the limitations of its respective base claim and any intervening claims. As noted above, claim 1 was amended to include the limitations of claim 6 and intervening claim 5, and claim 9 was amended to include the limitations of claim 14 and intervening claims 10-12. Accordingly, allowance of each of the pending claims is requested.

Respectfully submitted,

Mark G. Smith et al.

By Marc F. Malooley
Marc F. Malooley
Reg. No. 50,624
Attorney/Agent for Applicant

Date: October 4, 2005
BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400; Fax: 248-358-3351